

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Dennis Kreun,

Case No. 21-cv-1809 (SRN/TNL)

Petitioner,

v.

REPORT AND RECOMMENDATION

B. Birkholz, Warden of Federal Prison
Camp Duluth, and Michael Carvajal, Di-
rector of the Federal Bureau of Prisons, in
their official capacities,

Respondents.

In an Order dated September 10, 2021, this Court ordered Petitioner Dennis Kreun to submit this action’s filing fee or an application to proceed *in forma pauperis*. [ECF No. 5.] Kreun was given 21 days—that is, until October 1, 2021—to make this submission, failing which it would be recommended that this action be dismissed without prejudice for failure to prosecute. *See* Fed. R. Civ. P. 41(b).

That deadline has passed, and Kreun has not submitted a filing fee or an IFP application. (In fact, Kreun has not communicated with the Court about this case at all since commencing this action.) Accordingly, this Court now recommends dismissing this action without prejudice under Rule 41(b) for failure to prosecute. *See, e.g., Henderson v. Renaissance Grand Hotel*, 267 F. App’x 496, 497 (8th Cir. 2008) (per curiam) (“A district

court has discretion to dismiss an action under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order."').

Date: October 27, 2021

s/ Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

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Case No. 21-cv-1809 (SRN/TNL)

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), "a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).